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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,983	01/21/2004	Dennis Gonsalves	07678/025008	4035

21559 7590 04/25/2006

CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

EXAMINER

PENG, BO

ART UNIT PAPER NUMBER

1648

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/761,983	GONSALVES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bo Peng	1648	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/21/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

- I. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-5, drawn to an antibody that recognizes a grapevine leafroll virus helicase protein comprising the amino acid sequence of SEQ ID NO: 2, classified in class 530, subclass 388.15.
  - II. Claims 1 and 6-9, drawn to an antibody that recognizes a grapevine leafroll virus RNA polymerase protein comprising the amino acid sequence of SEQ ID NO: 4, classified in class 530, subclass 388.15.
  - III. Claims 1 and 11-13, drawn to an antibody that recognizes a grapevine leafroll virus hsp70-related protein comprising the amino acid sequence of SEQ ID NO: 6, classified in class 530, subclass 388.15.
  - VI. Claims 1 and 14-17, drawn to an antibody that recognizes a grapevine leafroll virus hsp90-related protein comprising the amino acid sequence of SEQ ID NO: 8, classified in class 530, subclass 388.15.
  - V. Claims 18 and 19, drawn to an antibody that recognizes a protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 12, classified in class 530, subclass 388.15.
  - VI. Claims 18 and 20, drawn to an antibody that recognizes a protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 14, classified in class 530, subclass 388.15.

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- VII. Claims 18 and 21, drawn to an antibody that recognizes a protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 16, classified in class 530, subclass 388.15.
  - VIII. Claims 18 and 22, drawn to an antibody that recognizes a protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 18, classified in class 530, subclass 388.15.
  - IX. Claims 18 and 23, drawn to an antibody that recognizes a protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 20, classified in class 530, subclass 388.15.
  - X. Claims 18 and 24, drawn to an antibody that recognizes a protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 22, classified in class 530, subclass 388.15.
  - XI. Claims 18 and 25, drawn to an antibody that recognizes a protein or polypeptide comprising the amino acid sequence of SEQ ID NO: 24, classified in class 530, subclass 388.15.
2. Groups I-XI are different products. Groups I-XI are directed to patentably distinct antibodies, wherein each has a different structure and biological property, and wherein each is capable of separate use.
3. These inventions are distinct for the reasons given above. In addition, even though in some cases the classification is shared, a different field of search would be required based upon

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the structurally distinct products recited and the various methods of use comprising distinct method steps. Since it is an undue burden for the Office to search more than one invention, a restriction for examination purposes as indicated is proper.

4. Applicant is reminded the upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance the 37 CFR 1.48(b).if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bo Peng, Ph.D. whose telephone number is 571-272-5542. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 571-272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

BP

Bo Peng, Ph.D.

April 19, 2006



JEFFREY STUCKER  
PRIMARY EXAMINER